

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 91-16 As Amended

Introduced by Council President Wilson  
at the request of the County Executive

Legislative Day No. 91-10 Date April 2, 1991

AN EMERGENCY ACT to add the new definition of "open dump" to Section 109-1, Definitions, of Article I, General Provisions, of Chapter 109, Environmental Control; to add new ~~Section 109-8.4,~~ Sections 109-3F, Prohibition on Open Dumping, and 109-8.4, Removal from Plan, to Article I, General Provisions, of Chapter 109, Environmental Control; to repeal Sections 109-13, 109-14 and 109-15 and to renumber Sections 109-16, 109-17 and 109-18 as ~~Sections 109-14, 109-15 and 109-16;~~ Sections 109-13, 109-14 and 109-15; and to add new ~~Section 109-17,~~ Section 109-16, Enforcement, to Article I, General Provisions, of Chapter 109, Environmental Control, all of the Harford County Code, as amended, to prohibit the disposal of solid waste in an open dump and to provide a full contingency of enforcement mechanisms (i.e., notice of violation and administrative order, injunctive

By the Council, April 2, 1991

Introduced, read first time, ordered posted and public hearing scheduled  
on: May 7, 1991  
at: 6:30 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 7, 1991, and concluded on, May 21, 1991

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 91-16 As Amended

Introduced by Council President Wilson  
at the request of the County Executive  
Legislative Day No. \_\_\_\_\_ Date \_\_\_\_\_

relief, civil penalty and criminal violation) in order to  
promote the effective enforcement of the requirements and  
prohibition of Article I of the Environmental Control  
~~chapter~~ Chapter; and to make this Act an Emergency Act.

By the Council, \_\_\_\_\_  
Introduced, read first time, ordered posted and public hearing scheduled  
on: \_\_\_\_\_  
at: \_\_\_\_\_  
By Order: \_\_\_\_\_, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of  
Bill having been published according to the Charter, a public hearing was  
held on \_\_\_\_\_, and concluded on, \_\_\_\_\_  
\_\_\_\_\_, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING  
LAW. [Brackets] indicate matter deleted  
from existing law. Underlining indicates  
language added to Bill by amendment.  
Language lined through indicates matter  
stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County,  
2 Maryland, that the new definition of the term "open dump" be, and  
3 it is hereby, added to Section 109-1, Definitions, of Article I,  
4 General Provisions, of Chapter 109, Environmental Control, that new  
5 ~~Section 109-8.4,~~ Sections 109-3F, Prohibition on Open Dumping, and  
6 109-8.4, Removal From Plan, be, and ~~it is~~ they are hereby, added to  
7 Article I, General Provisions, of Chapter 109, Environmental  
8 Control, that Sections 109-13, 109-14 and 109-15 be, and they are  
9 hereby, repealed, that Sections 109-16, 109-17 and 109-18 be, and  
10 they are hereby, renumbered as ~~Sections 109-14, 109-15 and 109-16,~~  
11 ~~that new Section 109-17,~~ Sections 109-13, 109-14 and 109-15, that  
12 new Section 109-16, Enforcement, be, and it is hereby, added to  
13 Article I, General Provisions, of Chapter 109, Environmental  
14 Control, all of the Harford County Code, as amended, and all to  
15 read as follows:

16 Chapter 109. Environmental Control.

17 Article I. General Provisions.

18 Section 109-1. Definitions.

19 OPEN DUMP - ANY LAND DISPOSAL SITE ON WHICH SOLID WASTE IS  
20 DEPOSITED THAT IS NOT ~~OPERATED AS A SANITARY LANDFILL WHICH HAS~~  
21 ~~BEEN PERMITTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT OR ITS~~  
22 ~~SUCCESSOR AGENCY, EXCEPT A SITE WHERE ONLY HOUSEHOLD COMPOSTABLE~~  
23 ~~SOLID WASTE OR FARMING COMPOSTABLE SOLID WASTE WHICH HAS BEEN~~  
24 ~~GENERATED ONLY BY THE OWNER OF THE LAND IS DEPOSITED.~~ EXCEPT:

25 (a) A COMPOSTING OPERATION CONDUCTED IN A SANITARY  
26 MANNER;

27 (b) A SITE ON WHICH COAL COMBUSTION BY-PRODUCTS ARE

UTILIZED IN A POZZOLAN MANAGEMENT ACTIVITY UNDER APPROVAL OF THE  
DEPARTMENT OF NATURAL RESOURCES AND THE MARYLAND DEPARTMENT OF THE  
ENVIRONMENT, PROVIDED THAT:

(i) THE SITE IS OPERATED IN ACCORDANCE WITH ALL  
FEDERAL, STATE, AND LOCAL LAWS;

(ii) QUARTERLY ANALYSES MEETING THE FOLLOWING  
REQUIREMENTS ARE CONDUCTED AND SUBMITTED TO THE DEPARTMENT:

(A) THE ANALYSES SHALL BE PERFORMED IN  
ACCORDANCE WITH THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT  
(RCRA) (CURRENTLY THE TOXICITY CHARACTERISTICS LEACHING PROCEDURE  
TEST);

(B) THE ANALYSES SHALL INDICATE THE UNITED  
STATES ENVIRONMENTAL PROTECTION AGENCY RCRA STANDARDS FOR  
DETERMINATION OF LEVELS OF INORGANICS THAT COULD CAUSE THE BY-  
PRODUCTS TO BE CONSIDERED TOXIC;

(C) THE ANALYSES SHALL INDICATE THE ACTUAL  
LEVELS OF INORGANICS FOUND IN THE SAMPLES ANALYZED;

(D) THE ANALYSES SHALL BE CONDUCTED ON A BY-  
PRODUCT FROM THE TYPE OF COAL BURNED ON THE MAJORITY OF DAYS DURING  
THE QUARTER FOR WHICH AN ANALYSIS IS CONDUCTED; AND

(E) AN AUTHORIZED REPRESENTATIVE OF THE  
FACILITY THAT GENERATES THE BY-PRODUCT SHALL CERTIFY THAT EACH  
ANALYSIS WAS CONDUCTED IN STRICT ACCORDANCE WITH EPA PROCEDURES AND  
PROTOCOLS, AND THAT THE RESULTS SUBMITTED HAVE BEEN ACCURATELY  
RECORDED;

(c) ANY FILLING OPERATION WHICH CONSISTS SOLELY OF THE

1 IMPORTATION OF CLEAN EARTHEN FILL CONTAINING UNCONTAMINATED SOIL,  
2 ROCK, CONCRETE, NONREFRACTORY BRICK, AND ASPHALT CREATED AS A  
3 RESULT OF CONSTRUCTION EXCAVATION ACTIVITIES, MINING, OR REGRADING  
4 PROJECTS, PROVIDED THAT:

5 (i) ANY NECESSARY GRADING OR SEDIMENT CONTROL  
6 PERMIT IS OBTAINED;

7 (ii) NO WETLAND AREAS ARE IMPROPERLY DISTURBED OR  
8 IMPACTED; AND

9 (iii) THE FILLING, GRADING, AND SITE STABILIZATION  
10 IS CONDUCTED IN ACCORDANCE WITH ALL STATE AND LOCAL LAWS AND  
11 REGULATIONS;

12 (d) A SITE ON WHICH FARM EQUIPMENT AND RELATED  
13 MATERIALS, INCLUDING DEBRIS FROM AGRICULTURAL STRUCTURES, IS  
14 DEPOSITED, PROVIDED THAT:

15 (i) THE SITE IS ON PROPERTY THAT IS OPERATED AS A  
16 FARM;

17 (ii) THE EQUIPMENT, MATERIALS, AND DEBRIS ORIGINATED  
18 OR WERE USED OR GENERATED ON THE FARM; AND

19 (iii) THE EQUIPMENT, MATERIALS, AND DEBRIS ARE  
20 DEPOSITED IN A SANITARY MANNER AND DO NOT PRESENT A RISK TO HUMAN  
21 HEALTH OR THE ENVIRONMENT; AND

22 (e) A SITE ON WHICH STRAW, HAY, BRUSH, OR TREE DEBRIS IS  
23 DEPOSITED FOR THE PURPOSE OF CONTROLLING EROSION OR CREATING  
24 WILDLIFE HABITAT, PROVIDED THAT THE STRAW, HAY, BRUSH, OR TREE  
25 DEBRIS:

26 (i) IS DEPOSITED IN A SANITARY MANNER AND DOES NOT

1 PRESENT A RISK TO HUMAN HEALTH OR THE ENVIRONMENT; AND

2 (ii) IS NOT DEPOSITED IN A MANNER THAT IMPROPERLY  
3 AFFECTS WETLANDS.

4 ~~SECTION 109-8.4. PROHIBITION ON OPEN DUMPING.~~ SECTION 109-3.

5 F. PROHIBITION ON OPEN DUMPING

6 ~~A.~~ (1) NO PERSON SHALL OPERATE AN OPEN DUMP.

7 ~~B.~~ (2) NO OWNER OF PROPERTY SHALL PERMIT, ALLOW OR  
8 ACQUIESCE IN THE OPERATION OF AN OPEN DUMP ON THE OWNER'S PROPERTY.

9 ~~SECTION 109-17. ENFORCEMENT.~~

10 SECTION 109-8.4 REMOVAL FROM PLAN.

11 ~~A. THE DEPARTMENT AND THE COUNTY COUNCIL MAY REMOVE FROM THE~~  
12 ~~COUNTY SOLID WASTE MANAGEMENT PLAN ANY SITE WHOSE OWNER/OPERATOR IS~~  
13 ~~NOT IN COMPLIANCE WITH THE PROVISIONS OF SECTIONS 109-8.1 THROUGH~~  
14 ~~109-8.3 OF THIS ARTICLE.~~

15 THE COUNTY COUNCIL MAY REMOVE A SITE FROM THE SOLID WASTE  
16 MANAGEMENT PLAN IF THE OWNER OR OPERATOR:

17 A. IS IN VIOLATION OF ANY PROVISION OF §§109-8.1, 109-8.2, OR  
18 109-8.3 OF THIS ARTICLE; OR

19 B. HAS NOT, WITHIN 18 MONTHS AFTER THE DATE ON WHICH THE  
20 COUNCIL PLACED THE SITE IN THE PLAN:

21 (1) BEEN ISSUED A PERMIT BY THE MARYLAND DEPARTMENT OF  
22 THE ENVIRONMENT; OR

23 (2) PLACED THE SITE IN OPERATION AS A RUBBLE LANDFILL.

24 ~~B. IN ADDITION TO BEING SUBJECT TO AN INJUNCTIVE ACTION UNDER~~  
25 ~~THIS ARTICLE, ANY PERSON WHO VIOLATES ANY PROVISION OF ARTICLE I OF~~  
26 ~~THE ENVIRONMENTAL CONTROL CHAPTER IS LIABLE TO PAY A CIVIL PENALTY~~

1 NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000) PER DAY PER VIOLATION  
2 TO BE COLLECTED IN A CIVIL ACTION. EACH DAY A VIOLATION OCCURS IS  
3 A SEPARATE VIOLATION. EACH SECTION, SUBSECTION, RULE, REGULATION,  
4 ORDER OR PERMIT CONDITION THAT CONTAINS A REQUIREMENT OR  
5 PROHIBITION WHICH IS VIOLATED CONSTITUTES A SEPARATE VIOLATION.  
6 SECTION 109-17. ENFORCEMENT.

7 C.A. NOTICE OF VIOLATION (NOV).

8 (1) ISSUANCE OF NOV. THE HARFORD COUNTY HEALTH  
9 DEPARTMENT OR THE DEPARTMENT MAY ISSUE A NOV NOTICE OF VIOLATION  
10 ("NOV") IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE PERSON  
11 TO WHOM THE COMPLAINT IS DIRECTED HAS VIOLATED:

12 (a) THIS ARTICLE.

13 (b) ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS  
14 ARTICLE.

15 (c) ANY ORDER OR PERMIT ISSUED PURSUANT TO THIS  
16 ARTICLE.

17 (2) CONTENTS. A NOV ISSUED UNDER THIS SECTION SHALL:

18 (a) SPECIFY THE PROVISION(S) THAT ALLEGEDLY HAS  
19 BEEN VIOLATED.

20 (b) STATE THE FACTS IN SUPPORT OF THE ALLEGED  
21 VIOLATION.

22 ~~D.~~ (3) ISSUANCE OF NOTICE OR ORDER.

23 ~~(1) IN GENERAL.~~ AFTER OR CONCURRENTLY WITH SERVICE OF  
24 A COMPLAINT NOV UNDER THIS ARTICLE, THE HARFORD COUNTY HEALTH  
25 DEPARTMENT OR THE DEPARTMENT OR ~~THE~~ HARFORD COUNTY HEALTH  
26 ~~DEPARTMENT MAY:~~ MAY

(a) ISSUE AN ORDER THAT REQUIRES THE PERSON TO WHOM THE ORDER IS DIRECTED TO TAKE CORRECTIVE ACTION WITHIN A TIME SET FORTH IN THE ORDER.

~~(b) SEND A WRITTEN NOTICE THAT REQUIRES THE PERSON TO WHOM THE NOTICE IS DIRECTED TO FILE A WRITTEN REPORT ABOUT AN ALLEGED VIOLATION.~~

~~(c) SEND A WRITTEN NOTICE THAT REQUIRES THE PERSON TO WHOM THE NOTICE IS DIRECTED:~~

~~(i) TO APPEAR AT A HEARING AT A TIME AND PLACE SCHEDULED IN ORDER TO ANSWER THE CHARGES IN THE COMPLAINT; OR~~

~~(ii) TO FILE A WRITTEN REPORT AND ALSO APPEAR AT A HEARING AT A TIME AND PLACE SET TO ANSWER THE CHARGES IN THE COMPLAINT.~~

(2) (4) EFFECTIVE DATE OF ORDER. ANY ORDER ISSUED UNDER THIS ORDINANCE IS EFFECTIVE IMMEDIATELY ACCORDING TO ITS TERMS UPON SERVICE. ANY PERSON WHO IS ISSUED AN ORDER SHALL BE REQUIRED TO TAKE ANY DIRECTED ACTION WITHIN THE TIME SPECIFIED IN THE ORDER REGARDLESS OF ANY HEARING RIGHTS EVOKED PURSUANT TO THIS SECTION.

E. (5) SERVICE.

~~(1) (a) MANNER OF SERVICE. ANY COMPLAINT, ORDER, NOTICE OR NOV OR ORDER OTHER INSTRUMENT ISSUED BY THE DEPARTMENT OR ISSUED BY THE HARFORD COUNTY HEALTH DEPARTMENT OR THE DEPARTMENT PURSUANT TO THIS ARTICLE MAY BE SERVED: ON THE PERSON TO WHOM IT IS DIRECTED:~~



1           (a) (i) PERSONALLY; ~~i~~  
2           (b) (ii) BY PUBLICATION ON OR AT THE ENTRANCEWAY TO  
3 THE PROPERTY AT WHICH THE VIOLATION HAS OCCURRED; ~~i~~ OR

4           (c) (iii) BY CERTIFIED MAIL, RETURN RECEIPT  
5 REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL  
6 SERVICE, TO THE PERSON'S ~~LAST KNOWN ADDRESS AS SHOWN ON THE~~  
7 ~~DEPARTMENT'S RECORDS.~~ LAST KNOWN ADDRESS OF THE PERSON IN WHOSE  
8 NAME THE PROPERTY ON WHICH THE VIOLATION OCCURRED IS ASSESSED FOR  
9 TAXATION.

10           (2) (b) CERTIFICATE OF SERVICE. IF SERVICE IS MADE BY  
11 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM  
12 THE UNITED STATES POSTAL SERVICE, THE PERSON WHO MAILES THE DOCUMENT  
13 SHALL RETAIN VERIFIED PROOF OF MAILING.

14           F. (6) HEARINGS.

15           (1) (a) HEARING ON ORDER. WITHIN TEN (10) DAYS AFTER  
16 BEING SERVED WITH AN ORDER, THE PERSON SERVED MAY REQUEST A HEARING  
17 BY ~~WRITING TO THE DIRECTOR OF ADMINISTRATION.~~ SERVING A WRITTEN  
18 REQUEST ON THE HEALTH OFFICER FOR AN NOV ISSUED BY THE HARFORD  
19 COUNTY HEALTH DEPARTMENT OR ON THE DIRECTOR OF ADMINISTRATION FOR  
20 AN NOV ISSUED BY THE DEPARTMENT. SERVICE SHALL BE MADE PERSONALLY  
21 OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK  
22 FROM THE U. S. POSTAL SERVICE.

23           (2) (b) SUBPOENAS; WITNESSES.

24           (a) (i) IN CONNECTION WITH ANY HEARING UNDER THIS  
25 SUBTITLE, THE HEALTH OFFICER OR THE DIRECTOR OF ADMINISTRATION MAY:

26           (i) (A) SUBPOENA ANY PERSON OR EVIDENCE.

1                   ~~(ii)~~ (B) ORDER A WITNESS TO GIVE EVIDENCE.

2                   ~~(b)~~ (ii) A SUBPOENAED WITNESS WHO IS NOT A AN  
3 EMPLOYEE OF THE HARFORD COUNTY HEALTH DEPARTMENT OR THE COUNTY  
4 EMPLOYEE SHALL RECEIVE THE SAME FEES AND MILEAGE REIMBURSEMENT AS  
5 IF THE HEARING WERE PART OF A CIVIL ACTION IN THE CIRCUIT COURT OF  
6 MARYLAND.

7           G. (7) FINAL CORRECTIVE ORDER.

8                   ~~(1)~~ (a) UNLESS THE PERSON SERVED WITH AN ORDER MAKES A  
9 TIMELY REQUEST FOR A HEARING PURSUANT TO SUBSECTION F. (6), THE  
10 ORDER BECOMES A FINAL ORDER ON THE ELEVENTH DAY AFTER SERVICE.

11                   ~~(2)~~ (b) IF A PERSON WHO HAS BEEN ISSUED AN ORDER UNDER  
12 THIS SECTION MAKES A TIMELY REQUEST FOR A HEARING, I.E. REQUESTS A  
13 HEARING WITHIN TEN (10) DAYS AFTER SERVICE IN ACCORDANCE WITH  
14 SUBSECTION F. (6), THE ORDER BECOMES A FINAL CORRECTIVE ORDER IF  
15 THE HEALTH OFFICER OR THE ENVIRONMENTAL HEALTH DIRECTOR OR THE  
16 DIRECTOR OF ADMINISTRATION AFFIRMS THE ORDER FOLLOWING THE HEARING.

17           H. B. OTHER ACTIONS NOT DEPENDENT ON ISSUANCE OF COMPLAINT,  
18 NOTICE OR ORDER. A PERSON WHO VIOLATES THIS ARTICLE SHALL NOT BE  
19 ENTITLED TO THE ISSUANCE OF A ~~COMPLAINT, A NOTICE~~ NOV OR AN ORDER.  
20 THE COUNTY OR THE HARFORD COUNTY HEALTH DEPARTMENT MAY TAKE  
21 WHATEVER ACTION IT DEEMS APPROPRIATE AND WHICH IS PERMITTED BY THIS  
22 ARTICLE OR THE LAW TO SEEK REDRESS FROM ANY PERSON WHO VIOLATES  
23 THIS ARTICLE.

24           C. IN ADDITION TO BEING SUBJECT TO AN INJUNCTIVE ACTION  
25 UNDER THIS ARTICLE, ANY PERSON WHO VIOLATES ANY PROVISION OF  
26 ARTICLE I OF THE ENVIRONMENTAL CONTROL CHAPTER IS LIABLE TO PAY A

1 CIVIL PENALTY NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000) PER DAY  
2 PER VIOLATION TO BE COLLECTED IN A CIVIL ACTION. EACH DAY A  
3 VIOLATION OCCURS IS A SEPARATE VIOLATION. EACH SECTION,  
4 SUBSECTION, RULE, REGULATION, ORDER OR PERMIT CONDITION THAT  
5 CONTAINS A REQUIREMENT OR PROHIBITION WHICH IS VIOLATED CONSTITUTES  
6 A SEPARATE VIOLATION.

7 ~~I.~~ D. INJUNCTIVE RELIEF.

8 (1) IN GENERAL. THE COUNTY MAY BRING AN ACTION FOR AN  
9 INJUNCTION AGAINST ANY PERSON WHO VIOLATES ANY PROVISION OF THIS  
10 ARTICLE OR ANY RULES, REGULATIONS, ORDER OR PERMIT ADOPTED OR  
11 ISSUED UNDER THIS ARTICLE.

12 (2) ~~DIRECTOR OF ADMINISTRATION'S~~ FINDINGS. IN ANY  
13 ACTION FOR AN INJUNCTION UNDER THIS SECTION, ANY FINDING OF THE  
14 HEALTH OFFICER OR THE ENVIRONMENTAL HEALTH DIRECTOR OR THE DIRECTOR  
15 OF ADMINISTRATION AFTER A HEARING IS PRIMA FACIE EVIDENCE OF EACH  
16 FACT THE DIRECTOR OF ADMINISTRATION DETERMINES. SO DETERMINED.

17 (3) GROUNDS. ON A SHOWING THAT ANY PERSON IS VIOLATING  
18 OR IS ABOUT TO VIOLATE THIS SUBTITLE OR ANY RULE, REGULATION, ORDER  
19 OR PERMIT ADOPTED OR ISSUED BY THE COUNTY, THE COURT SHALL GRANT AN  
20 INJUNCTION WITHOUT REQUIRING A SHOWING OF A LACK OF AN ADEQUATE  
21 REMEDY AT LAW.

22 (4) EMERGENCY. IF AN EMERGENCY ARISES DUE TO IMMINENT  
23 DANGER TO THE PUBLIC HEALTH OR WELFARE, OR IMMINENT DANGER TO THE  
24 ENVIRONMENT, THE COUNTY MAY SUE IMMEDIATELY FOR AN INJUNCTION TO  
25 STOP ANY POLLUTION OR OTHER ACTIVITY THAT IS CAUSING THE DANGER.

26 ~~J.~~ E. CRIMINAL PENALTIES.

(1) VIOLATING ORDINANCES, RULES, REGULATIONS, ORDERS OR PERMITS.

(a) A PERSON WHO VIOLATES ANY PROVISION OR FAILS TO PERFORM ANY DUTY IMPOSED BY THIS ARTICLE OR WHO VIOLATES ANY PROVISION OR FAILS TO PERFORM ANY DUTY IMPOSED BY ANY RULE, REGULATION, ORDER OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000) PER DAY PER VIOLATION OR IMPRISONMENT NOT TO EXCEED SIX (6) MONTHS, OR BOTH. EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION. EACH SECTION, SUBSECTION, RULE, REGULATION, ORDER OR PERMIT CONDITION WHICH IS VIOLATED CONSTITUTES A SEPARATE VIOLATION.

(b) IN ADDITION TO ANY CRIMINAL PENALTIES IMPOSED ON A PERSON CONVICTED UNDER THIS ARTICLE, THE PERSON MAY BE ENJOINED FROM CONTINUING THE VIOLATION(S) AND/OR SUBJECT TO CIVIL PENALTIES.

F. ABATEMENT.

(1) GENERALLY. IF ANY PERSON FAILS, WITHIN THE TIME LIMIT SPECIFIED IN AN NOV OR ORDER, TO ABATE ANY CONDITION THAT IS PROHIBITED UNDER THIS ARTICLE OR ANY RULE, REGULATION, ORDER OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, THE COUNTY MAY TAKE WHATEVER ABATEMENT ACTION THAT MAY BE NECESSARY BY USE OF COUNTY EMPLOYEES AND EQUIPMENT OR BY CONTRACT WITH PRIVATE CONTRACTORS. THE COST AND EXPENSE OF ABATING THE VIOLATION SHALL BE CERTIFIED BY THE DEPARTMENT TO THE COUNTY TREASURER TOGETHER WITH THE NAME OF THE OWNER OF THE PROPERTY ON WHICH THE VIOLATION OCCURRED AS

1 DETERMINED FROM THE PROPERTY TAX ASSESSMENT RECORDS. THESE CHARGES  
2 SHALL CONSTITUTE A LIEN UPON THE REAL PROPERTY AND SHALL BE  
3 COLLECTIBLE IN THE SAME MANNER AS REAL PROPERTY TAXES, WITH THE  
4 SAME PRIORITY, INTEREST AND PENALTIES. INITIATION OF ABATEMENT  
5 ACTION SHALL NOT PRECLUDE THE ISSUANCE OF ANY OTHER ACTION OR LEGAL  
6 PROCEEDINGS AUTHORIZED OR PERMITTED UNDER THIS ARTICLE, THE LAWS OF  
7 THE STATE OF MARYLAND AND THE COMMON LAW.

8 (2) NOTICE OF ABATEMENT ACTION. BEFORE OR WITHIN TEN  
9 (10) DAYS AFTER COMMENCEMENT OF AN ABATEMENT ACTION, THE DEPARTMENT  
10 SHALL ISSUE A NOTICE OF ABATEMENT ACTION TO THE OWNER OF THE  
11 PROPERTY ON WHICH THE ABATEMENT ACTION HAS BEEN OR WILL BE  
12 COMMENCED. THE NOTICE SHALL DESCRIBE THE ABATEMENT ACTION TO BE  
13 UNDERTAKEN AND SHALL SPECIFY THAT THE COST FOR THE ACTION SHALL  
14 CONSTITUTE A LIEN ON THE REAL PROPERTY OF THE OWNER.

15 (3) SERVICE. THE NOTICE OF ABATEMENT ACTION ISSUED BY  
16 THE DEPARTMENT SHALL BE SERVED BY CERTIFIED MAIL, RETURN RECEIPT  
17 REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE  
18 TO THE LAST KNOWN ADDRESS OF THE PERSON IN WHOSE NAME THE PROPERTY  
19 IS ASSESSED FOR TAXATION. IF THE NOTICE IS UNABLE TO BE DELIVERED  
20 BY THE POST OFFICE, THE NOTICE SHALL BE POSTED ON THE ENTRANCEWAY  
21 TO THE PROPERTY AT WHICH THE VIOLATION HAS OCCURRED.

22 (4) RIGHT OF PROPERTY OWNER TO HEARING. ANY PROPERTY  
23 OWNER WHO IS SUBJECT TO HAVING A LIEN PLACED ON HIS PROPERTY AS A  
24 RESULT OF AN ABATEMENT ACTION SHALL HAVE A RIGHT TO A HEARING IF  
25 THE PROPERTY OWNER SERVES A WRITTEN REQUEST FOR A HEARING ON THE  
26 DIRECTOR OF ADMINISTRATION WITHIN TEN (10) DAYS AFTER BEING SERVED

1 WITH THE NOTICE OF ABATEMENT ACTION OR THE POSTING OF THE NOTICE  
2 OF ABATEMENT ACTION ON THE PROPERTY.

3 (5) SUBPOENAS; WITNESSES. THE DIRECTOR OF  
4 ADMINISTRATION MAY SUBPOENA OR PROCURE WITNESSES IN ACCORDANCE WITH  
5 SUBSECTION A(6)(b) ABOVE.

6 (6) FINALITY OF LIEN.

7 (a) UNLESS THE PERSON SERVED WITH A NOTICE OF  
8 ABATEMENT MAKES A TIMELY REQUEST FOR A HEARING PURSUANT TO  
9 SUBSECTION (4) ABOVE, THE LIEN SHALL BECOME FINAL ON THE PROPERTY  
10 UPON COMPLETION OF THE WORK.

11 (b) IF A PERSON MAKES A TIMELY REQUEST FOR A  
12 HEARING, ANY LIEN ON THE PROPERTY SHALL BECOME FINAL AFTER  
13 COMPLETION OF ALL WORK THE DIRECTOR OF ADMINISTRATION DETERMINES  
14 WAS PROPERLY CONDUCTED BY WAY OF ABATEMENT ACTION.

15 Section 2. And Be It Further Enacted that this Act ~~shall take~~  
16 ~~effect sixty (60) calendar days from~~ is declared to be an Emergency  
17 Act, necessary to protect the public's health, safety and welfare  
18 through the establishment of effective enforcement mechanisms that  
19 can be used against current and future violators of the county's  
20 environmental control laws, and shall take effect on the date it  
21 becomes law.

22 EFFECTIVE: June 10, 1991  
23  
24

BY THE COUNCIL

BILL NO. 91-16 As Amended

Read the third time.

Passed: LSD 91-17 (June 4, 1991)

Failed of Passage: \_\_\_\_\_

By Order

Doris Paulsen, Secretary

Sealed with the County Seal and presented to the County Executive  
for her approval this 5th day of June, 1991  
at 3:00 o'clock P.M.

Doris Paulsen, Secretary

BY THE EXECUTIVE

Eileen M. Ledemann  
COUNTY EXECUTIVE

APPROVED:

Date 6-10-91

BY THE COUNCIL

This Bill, (No. 91-16 As Amended), having been approved by the  
Executive and returned to the Council, becomes law on June 10, 1991.

Doris Paulsen, Secretary

EFFECTIVE DATE: June 10, 1991